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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,851	11/19/2003	Quin Soderquist	14291	1718

7590 11/19/2007  
Sally J. Brown  
AUTOLIV ASP, INC.  
3350 Airport Road  
Ogden, UT 84405

EXAMINER
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SPISICH, GEORGE D

ART UNIT	PAPER NUMBER
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3616

MAIL DATE	DELIVERY MODE
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11/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/717,851

Applicant(s)

SODERQUIST, QUIN

Examiner

George D. Spisich

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11, 15-25, 27, 28, 30-40, 42 and 43 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 9, 17-19, 23, 27, 32, 33 and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5-8, 10, 11, 15, 16, 20-25, 28, 30, 31, 34-38, 40, 42 and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claim 27 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on January 31, 2006.

It appears that Examiner had previously believed this claim to read on elected Species 1 (Figure 2), however, upon further consideration, there is no "tear seam of the applique film" shown in the elected Figure 2. Should Applicant argue that there is a rupture portion of the appliqué film and therefore a tear seam, Examiner would disagree since this requires structure of a tear seam. Should this merely require a rupture portion, the applied references in this Office Action have a "rupture portion".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,5-8,10,15,16,20-22,28,31,34,3638,40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Preisler et al. (USPN 6,180,207) in view of Watanabe et al. (USPN 5,172,932).

Preisler et al. discloses an airbag cover having a substrate (14) having an exposed surface, and a unitary applique film (considered a clear coat). This teaches the use of a "substantially transparent" layer over an airbag door/cover for the purpose of protection and aesthetics. The film is a single layer.

Disclosed in column 6, lines 19-29, the film and layer (12) extends (without a hole or tear seam) across the substrate and over recessed area (38) and recessed graphical indicia (40). This is considered to be a three dimensional emblem and the film has a "substantially" the same thickness across the entirety of the exposed surface.

With respect to the thickness of the film, it would have been obvious to one of ordinary skill in the art to vary the dimensions of an element to suit the desired use.

When in the final assembly position, the use of the term "substrate" may be considered to have a plurality of layers.

Although it is disclosed that there is a tear seam in the arrangement of Preisler (which is somewhat inherent in an airbag door of this type), Examiner is relying on Watanabe et al. to show this feature.

Watanabe et al. shows a hinged flap type airbag door that ruptures at a tear seam that is created by providing a narrowing portion in the substrate. Again, this substrate is shown to be a plurality of layers and each layer has a groove to weaken the substrate and define the tear seam.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide tear seam having a narrowing portion in the substrate in the arrangement of Preisler et al. and as taught by Watanabe et al. so as to provide a defined tear seam area of the substrate and door.

Claims 11,24,25,30,35,40 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Preisler et al. in view of Watanabe et al. as applied to claims 1,5-8,10,11,15,16,20-22,25,28,31,34-38 and 43 above, and further in view of Wirt et al. (USPN 5,533,748).

Preisler et al. in view of Watanabe et al. do not specifically disclose the substrate having at least a 2.5mm thickness adjacent the tear seam or the substrate comprising an injected material.

While it may be apparent that the arrangement of Preisler in view of Watanabe et al. includes a substrate having "hinged flap", Examiner is relying on the teaching of Wirt et al. to disclose that in the airbag art, providing an airbag door such that there is a "hinge" that allow defined and particular movement of the door, is well known in the airbag art.

Furthermore, Wirt et al. discloses an airbag cover having a substrate (see col. 5, lines 28-30) having a thickness in the range of 1 to 2.5 mm, with that thickness being adjacent a tear seam. Furthermore, the substrate (see col. 4, lines 17-21) is "injected with a material".

It would have been obvious to provide a substrate that "comprises an injected material" and is "at least 2.5 mm thick adjacent a tear seam" in the arrangement of Preisler et al. in view of Watanabe et al. and to include a hinged flap in the substrate and the particular dimensional thicknesses as claimed since this is taught by Wirt et al. so as to provide a sturdy substrate made of an injected material having a hinged flap door arrangement.

Furthermore, it is within the skill of one of ordinary skill in the art to provide a particular dimension (thickness) of the disclosed relative elements in the claimed ranges since it has been held that making an element a certain dimension or size involves only routine skill in the art.

Any known manner of making a material, such as by injection molding would have been an obvious method of making the material used.

### ***Response to Arguments***

Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

Examiner maintains that a substrate may be multi-layered and have a narrow portion in any part of the substrate/layer to meet Applicant's claims. Any transparent film covering the substrate would allow the "exposed" side of the substrate to be visible from the vehicle interior.

The applied references show/teach a transparent film on a "substrate" having a narrowed portion defining a tear seam. Furthermore, Preisler et al. shows a 3-D

emblem (which can be considered anything recessed) and the film extends over the exposed substrate and the emblem to have the substantially same thickness across the entirety of the substrate.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:  
10/717,851  
Art Unit: 3616

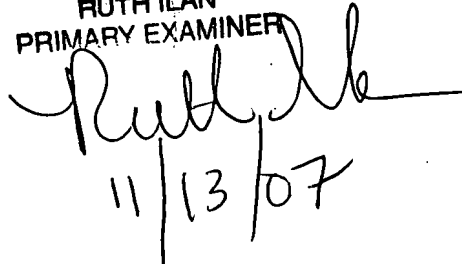
Page 7

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George D. Spisich  
November 12, 2007



RUTH ILAN  
PRIMARY EXAMINER

  
11/13/07